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10 Los Angeles, California 90071-2228
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13
14 Attorneys for Defendants
15 FTI CONSULTING, INC. and FTI, LLC

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA

14 ERIC POER,
15 Plaintiff,
16 vs.
17 FTI CONSULTING, INC. and FTI,
18 LLC,
19 Defendants.

Case No. 3:24-cv-4725-JSC

**SUPPLEMENTAL
DECLARATION OF CHRIS
JALIAN IN SUPPORT OF
DEFENDANTS FTI
CONSULTING, INC. AND FTI,
LLC'S MOTION FOR LIMITED
EXPEDITED DISCOVERY**

[Fed. R. Civ. P. 26(d)(1)]

Date: September 5, 2024
Time: 10:00 a.m.
Dept: Courtroom 8 – 19th Floor
Judge: Jacqueline Scott Corley

**SUPPLEMENTAL DECLARATION OF CHRIS A. JALIAN IN SUPPORT
OF DEFENDANTS' MOTION FOR LIMITED EXPEDITED DISCOVERY**

I, Chris A. Jalian, hereby declare as follows:

1. I am an attorney duly licensed to practice law in the State of California. I am a partner at the law firm of Paul Hastings LLP, counsel of record for Defendants FTI Consulting, Inc. and FTI, LLC (collectively, "FTI"), in the above-captioned lawsuit. I have personal knowledge of the facts contained herein, or know of such facts by my review of the files maintained by Paul Hastings LLP in the normal course of its business, and if called upon to do so, could and would competently testify thereto.

2. On August 12, 2024, I emailed Plaintiff's counsel regarding Plaintiff's Motion for Preliminary Injunction, FTI's Motion to Dismiss and their respective briefing schedules. Attached hereto as **Exhibit A** is a true and correct copy of the August 12, 2024 email. Following my August 12, 2024 email, the counsel for the parties had one phone call and exchanged several emails on these topics, from August 12 to August 21, 2024.

3. During the parties' discussions concerning FTI's need for discovery relating to Plaintiff's Motion for Preliminary Injunction and its briefing schedule, I communicated to Plaintiff's counsel that FTI will not contend that any continuance resulting from the parties' meet and confer efforts or FTI's discovery requests reflects Plaintiff's lack of exigency.

4. As part of FTI's meet and confer efforts, on August 19, 2024, I emailed Ashley Corkery, counsel for Plaintiff, a draft list of FTI's anticipated

1 discovery requests if expedited discovery is granted. Attached hereto as **Exhibit B**
2 is a true and correct copy of the August 19, 2024 email.

3
4 I declare under penalty of perjury under the laws of the United States of
5 America that the foregoing is true and correct.

6
7 Executed this 3rd day of September 2024, at Los Angeles, California.

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10 
CHRIS A. JALIAN

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25
26
27
28
LEGAL_US_W # 180907439.1

EXHIBIT A

From: [Arabaci, Kristen T.](#)
To: [Corkery, Ashley K](#)
Cc: [Trevor, Reece](#); [Hemann, John H.](#); [Lewis, Morgan E.](#); [Spitzen, Eva M](#); [Jalian, Chris](#); [Baca, Elena R.](#)
Subject: RE: Poer v. FTI - Motion to Dismiss and Motion for Preliminary Injunction
Date: Wednesday, August 21, 2024 10:29:46 AM
Attachments: [image001.png](#)

Ashley,

Thank you. One small edit—the initials on the case number on each page of your declaration should be updated from LB to JSC. Otherwise, both documents look good and you have our approval to file.

Best,

Kristen

From: Corkery, Ashley K <acorkery@cooley.com>
Sent: Wednesday, August 21, 2024 9:51 AM
To: Jalian, Chris <chrisjalian@paulhastings.com>; Baca, Elena R. <ElenaBaca@paulhastings.com>; Arabaci, Kristen T. <kristenarabaci@paulhastings.com>
Cc: Trevor, Reece <rtrevor@cooley.com>; Hemann, John H. <jjhemann@cooley.com>; Lewis, Morgan E. <melewis@cooley.com>; Spitzen, Eva M <ESpitzen@cooley.com>
Subject: [EXT] RE: Poer v. FTI - Motion to Dismiss and Motion for Preliminary Injunction

--- External Email ---

[Report Suspicious](#)

Chris,

We have added the signatures and drafted an accompanying declaration. We will plan to proceed to file around 1:00 p.m. today.

Thanks,
Ashley

Ashley Kemper Corkery
Cooley LLP
3 Embarcadero Center, 20th Floor
San Francisco, CA 94111-4004

(415) 693-2158 office
(831) 261-9277 mobile
acorkery@cooley.com

From: Corkery, Ashley K
Sent: Tuesday, August 20, 2024 7:24 PM
To: Jalian, Chris <chrisjalian@paulhastings.com>; Baca, Elena R. <ElenaBaca@paulhastings.com>; Arabaci, Kristen T. <kristenarabaci@paulhastings.com>
Cc: Trevor, Reece <rtrevor@cooley.com>; Hemann, John H. <jjhemann@cooley.com>; Lewis, Morgan E. <melewis@cooley.com>; Spitzen, Eva M <ESpitzen@cooley.com>
Subject: RE: Poer v. FTI - Motion to Dismiss and Motion for Preliminary Injunction

Chris,

Thank you for confirming. We will finalize the stipulation and required supporting declaration and send the final PDFs to you in the morning, so we can file before close of business tomorrow (Wednesday).

Best,
Ashley

Ashley Kemper Corkery
Cooley LLP
3 Embarcadero Center, 20th Floor
San Francisco, CA 94111-4004

(415) 693-2158 office
(831) 261-9277 mobile
acorkery@cooley.com

From: Jalian, Chris <chrisjalian@paulhastings.com>

Sent: Tuesday, August 20, 2024 5:33 PM

To: Corkery, Ashley K <acorkery@cooley.com>; Baca, Elena R. <ElenaBaca@paulhastings.com>; Arabaci, Kristen T.

<kristenarabaci@paulhastings.com>

Cc: Trevor, Reece <rtrevor@cooley.com>; Hemann, John H. <jhemann@cooley.com>; Lewis, Morgan E. <melewis@cooley.com>;

Spitzen, Eva M <ESpitzen@cooley.com>

Subject: RE: Poer v. FTI - Motion to Dismiss and Motion for Preliminary Injunction

[External]

Ashley, we agree to the proposed stipulation.

From: Corkery, Ashley K <acorkery@cooley.com>

Sent: Tuesday, August 20, 2024 12:08 PM

To: Jalian, Chris <chrisjalian@paulhastings.com>; Baca, Elena R. <ElenaBaca@paulhastings.com>; Arabaci, Kristen T.

<kristenarabaci@paulhastings.com>

Cc: Trevor, Reece <rtrevor@cooley.com>; Hemann, John H. <jhemann@cooley.com>; Lewis, Morgan E. <melewis@cooley.com>;

Spitzen, Eva M <ESpitzen@cooley.com>

Subject: [EXT] RE: Poer v. FTI - Motion to Dismiss and Motion for Preliminary Injunction

Thank you, Chris.

Ashley Kemper Corkery

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3 Embarcadero Center, 20th Floor
San Francisco, CA 94111-4004

(415) 693-2158 office
(831) 261-9277 mobile
acorkery@cooley.com

From: Jalian, Chris <chrisjalian@paulhastings.com>

Sent: Tuesday, August 20, 2024 12:07 PM

To: Corkery, Ashley K <acorkery@cooley.com>; Baca, Elena R. <ElenaBaca@paulhastings.com>; Arabaci, Kristen T.

<kristenarabaci@paulhastings.com>

Cc: Trevor, Reece <rtrevor@cooley.com>; Hemann, John H. <jhemann@cooley.com>; Lewis, Morgan E. <melewis@cooley.com>;

Spitzen, Eva M <ESpitzen@cooley.com>

Subject: RE: Poer v. FTI - Motion to Dismiss and Motion for Preliminary Injunction

[External]

Ashley,

I am confirming that the revised stip is acceptable to my client and will circle back asap.

Thank you,

Chris

From: Corkery, Ashley K <acorkery@cooley.com>

Sent: Tuesday, August 20, 2024 9:50 AM

To: Jalian, Chris <chrisjalian@paulhastings.com>; Baca, Elena R. <ElenaBaca@paulhastings.com>; Arabaci, Kristen T.

<kristenarabaci@paulhastings.com>

Cc: Trevor, Reece <rtrevor@cooley.com>; Hemann, John H. <jhemann@cooley.com>; Lewis, Morgan E. <melewis@cooley.com>;

Spitzen, Eva M <ESpitzen@cooley.com>

Subject: [EXT] RE: Poer v. FTI - Motion to Dismiss and Motion for Preliminary Injunction

Chris,

The broad discovery sought below is neither appropriate on a preliminary injunction nor relevant. We are happy to stipulate to certain facts (e.g., the amount of time Mr. Poer has been in California, his insurance registration, his voter registration, etc.), if you can provide case law demonstrating that any of these extraneous facts have relevance. The simple fact remains that both FTI and Secretariat have employed and promoted Mr. Poer as a San Francisco employee, and Mr. Poer has serviced mostly California clients (as FTI's own records amply and indisputably demonstrate). Mr. Poer remains willing to stipulate to facts that you can demonstrate are relevant under the case law, but we otherwise continue to view these broad and irrelevant discovery requests as entirely unwarranted and as a delay tactic.

If FTI insists on briefing this issue (and now indicating below it will file its motion five days after the date you provided last week), consistent with our discussion that your motion would be heard in early September, attached is an updated stipulation that attempts to reconcile your recent changes.

We otherwise will need to move forward with having FTI's motion to dismiss and Mr. Poer's motion for a preliminary injunction heard on the currently scheduled date of October 10, 2024, with the one-week briefing extension we agreed to last week. Mr. Poer continues to face irreparable harm and cannot continue to delay a hearing on his motion for a preliminary injunction.

As always, I am available to discuss by phone.

Best,
Ashley

Ashley Kemper Corkery

Cooley LLP
3 Embarcadero Center, 20th Floor
San Francisco, CA 94111-4004

(415) 693-2158 office
(831) 261-9277 mobile
acorkery@cooley.com

From: Jalian, Chris <chrisjalian@paulhastings.com>

Sent: Monday, August 19, 2024 8:09 PM

To: Corkery, Ashley K <acorkery@cooley.com>; Baca, Elena R. <ElenaBaca@paulhastings.com>; Arabaci, Kristen T. <kristenarabaci@paulhastings.com>

Cc: Trevor, Reece <rtrevor@cooley.com>; Hemann, John H. <jhemann@cooley.com>; Lewis, Morgan E. <melewis@cooley.com>; Spitzen, Eva M <ESpitzen@cooley.com>

Subject: RE: Poer v. FTI - Motion to Dismiss and Motion for Preliminary Injunction

[External]

Ashley, if expedited discovery is granted, we would seek discovery relating to:

- Poer's connections to California including travel records, calendars, credit card statements, cell phone records, voter registration, insurance, homestead registrations, etc.
- Poer's recruitment and employment with Secretariat, including his work location and/or "affiliation" with Secretariat's California office, and allegation that "Since starting my job with Secretariat earlier this year, I have continued to live in Nevada but have traveled to and spent time in California on repeatedly for work, as I did during the last few years of my tenure at FTI."
- Poer and Secretariat's communications relating to FTI's employment agreement and negotiation of Secretariat's employment agreement.
- Poer's work with California clients/companies and non-California clients/companies for Secretariat.
- Poer's alleged irreparable harm, including how his agreement with FTI "severely limits" his ability to work, maintain and grow his business.
- Poer's allegation that he has "been unable to fully resume work," including discovery relating to Poer's current work for Secretariat, hours worked, and compensation.
- Poer's communications with FTI's clients following his resignation.

Thank you,
Chris

From: Corkery, Ashley K <acorkery@cooley.com>

Sent: Monday, August 19, 2024 10:12 AM

To: Jalian, Chris <chrisjalian@paulhastings.com>; Baca, Elena R. <ElenaBaca@paulhastings.com>; Arabaci, Kristen T. <kristenarabaci@paulhastings.com>

Cc: Trevor, Reece <rtrevor@cooley.com>; Hemann, John H. <jhemann@cooley.com>; Lewis, Morgan E. <melewis@cooley.com>; Spitzen, Eva M <ESpitzen@cooley.com>

Subject: [EXT] RE: Poer v. FTI - Motion to Dismiss and Motion for Preliminary Injunction

Chris,

Today, would you please provide the list of jurisdictional facts that you believe is necessary and that you agreed to send on our call last week? In the meantime, we will review your proposed revisions below.

Best,
Ashley

Ashley Kemper Corkery

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3 Embarcadero Center, 20th Floor
San Francisco, CA 94111-4004

(415) 693-2158 office
(831) 261-9277 mobile
acorkery@cooley.com

From: Jalian, Chris <chrisjalian@paulhastings.com>

Sent: Monday, August 19, 2024 9:30 AM

To: Corkery, Ashley K <acorkery@cooley.com>; Baca, Elena R. <ElenaBaca@paulhastings.com>; Arabaci, Kristen T. <kristenarabaci@paulhastings.com>

Cc: Trevor, Reece <rtrevor@cooley.com>; Hemann, John H. <jhemann@cooley.com>; Lewis, Morgan E. <melewis@cooley.com>; Spitzen, Eva M <ESpitzen@cooley.com>

Subject: RE: Poer v. FTI - Motion to Dismiss and Motion for Preliminary Injunction

[External]

Ashley,

Thank you for putting the stipulation together. FTI will need until 8/26 to file its motion for expedited discovery in *Poer*. FTI already has a motion for expedited discovery due in *Westerman* on Wednesday, and I have a medical procedure scheduled for Thursday (or else I would propose Friday). In addition, I propose that each party have 10 days to file their opposition in the event the discovery motion is denied. The remaining deadlines can remain in place.

Please let me know if you would like to discuss.

Thank you,
Chris

From: Corkery, Ashley K <acorkery@cooley.com>

Sent: Sunday, August 18, 2024 6:05 PM

To: Jalian, Chris <chrisjalian@paulhastings.com>; Baca, Elena R. <ElenaBaca@paulhastings.com>; Arabaci, Kristen T. <kristenarabaci@paulhastings.com>

Cc: Trevor, Reece <rtrevor@cooley.com>; Hemann, John H. <jhemann@cooley.com>; Lewis, Morgan E. <melewis@cooley.com>; Spitzen, Eva M <ESpitzen@cooley.com>

Subject: [EXT] RE: Poer v. FTI - Motion to Dismiss and Motion for Preliminary Injunction

Thank you, Chris.

Ashley Kemper Corkery

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San Francisco, CA 94111-4004

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(831) 261-9277 mobile
acorkery@cooley.com

From: Jalian, Chris <chrisjalian@paulhastings.com>

Sent: Sunday, August 18, 2024 10:31 AM

To: Corkery, Ashley K <acorkery@cooley.com>; Baca, Elena R. <ElenaBaca@paulhastings.com>; Arabaci, Kristen T.

<kristenarabaci@paulhastings.com>

Cc: Trevor, Reece <rtrevor@cooley.com>; Hemann, John H. <jhemann@cooley.com>; Lewis, Morgan E. <melewis@cooley.com>;

Spitzen, Eva M <ESpitzen@cooley.com>

Subject: RE: Poer v. FTI - Motion to Dismiss and Motion for Preliminary Injunction

[External]

Thanks, Ashley. I just got back. I will review and send our redline tomorrow morning.

From: Corkery, Ashley K <acorkery@cooley.com>

Sent: Friday, August 16, 2024 12:34 PM

To: Jalian, Chris <chrisjalian@paulhastings.com>; Baca, Elena R. <ElenaBaca@paulhastings.com>; Arabaci, Kristen T.

<kristenarabaci@paulhastings.com>

Cc: Trevor, Reece <rtrevor@cooley.com>; Hemann, John H. <jhemann@cooley.com>; Lewis, Morgan E. <melewis@cooley.com>;

Spitzen, Eva M <ESpitzen@cooley.com>

Subject: [EXT] RE: Poer v. FTI - Motion to Dismiss and Motion for Preliminary Injunction

Chris,

Thanks for the call yesterday afternoon. Attached is a proposed stipulation to memorialize our agreement to advance the schedule on FTI's motion to expedite discovery and, pending the timing of that ruling, set forth a coordinated schedule on the motion for preliminary injunction and motion to dismiss. As we discussed, this will conserve judicial resources and provide clarity on the contested discovery request first. Per our discussion, please do also send the list of categories of discovery you intend to seek.

We should be in a position to file the stipulation early next week when you are back from your trip and we have discussed hearing dates.

Best,
Ashley

Ashley Kemper Corkery

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San Francisco, CA 94111-4004

(415) 693-2158 office
(831) 261-9277 mobile
acorkery@cooley.com

From: Jalian, Chris <chrisjalian@paulhastings.com>

Sent: Thursday, August 15, 2024 9:24 PM

To: Corkery, Ashley K <acorkery@cooley.com>; Baca, Elena R. <ElenaBaca@paulhastings.com>; Arabaci, Kristen T.

<kristenarabaci@paulhastings.com>

Cc: Trevor, Reece <rtrevor@cooley.com>; Hemann, John H. <jhemann@cooley.com>; Lewis, Morgan E. <melewis@cooley.com>;

Spitzen, Eva M <ESpitzen@cooley.com>

Subject: RE: Poer v. FTI - Motion to Dismiss and Motion for Preliminary Injunction

[External]

Ashley,

Thanks for the calls yesterday and today. This confirms that, while we meet and confer on possible briefing and hearing schedules, the parties agreed to push the current upcoming opposition deadlines on the motion to dismiss and motion for preliminary injunction by seven days each.

Thank you,
Chris

From: Corkery, Ashley K <acorkery@cooley.com>
Sent: Tuesday, August 13, 2024 11:10 AM
To: Jalian, Chris <chrisjalian@paulhastings.com>; Baca, Elena R. <ElenaBaca@paulhastings.com>; Arabaci, Kristen T. <kristenarabaci@paulhastings.com>
Cc: Trevor, Reece <rtrevor@cooley.com>; Hemann, John H. <jhemann@cooley.com>; Lewis, Morgan E. <melewis@cooley.com>; Spitzen, Eva M <ESpitzen@cooley.com>
Subject: [EXT] RE: Poer v. FTI - Motion to Dismiss and Motion for Preliminary Injunction

Chris – We are available at 2:00 p.m. tomorrow. I will circulate an invite momentarily.

Ashley Kemper Corkery

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3 Embarcadero Center, 20th Floor
San Francisco, CA 94111-4004

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(831) 261-9277 mobile
acorkery@cooley.com

From: Jalian, Chris <chrisjalian@paulhastings.com>
Sent: Tuesday, August 13, 2024 10:57 AM
To: Corkery, Ashley K <acorkery@cooley.com>; Baca, Elena R. <ElenaBaca@paulhastings.com>; Arabaci, Kristen T. <kristenarabaci@paulhastings.com>
Cc: Trevor, Reece <rtrevor@cooley.com>; Hemann, John H. <jhemann@cooley.com>; Lewis, Morgan E. <melewis@cooley.com>; Spitzen, Eva M <ESpitzen@cooley.com>
Subject: RE: Poer v. FTI - Motion to Dismiss and Motion for Preliminary Injunction

[External]

We are generally available after 1 pm tomorrow.

From: Corkery, Ashley K <acorkery@cooley.com>
Sent: Tuesday, August 13, 2024 9:16 AM
To: Jalian, Chris <chrisjalian@paulhastings.com>; Baca, Elena R. <ElenaBaca@paulhastings.com>; Arabaci, Kristen T. <kristenarabaci@paulhastings.com>
Cc: Trevor, Reece <rtrevor@cooley.com>; Hemann, John H. <jhemann@cooley.com>; Lewis, Morgan E. <melewis@cooley.com>; Spitzen, Eva M <ESpitzen@cooley.com>
Subject: [EXT] RE: Poer v. FTI - Motion to Dismiss and Motion for Preliminary Injunction

Chris,

We are available on tomorrow (Wednesday) afternoon to meet and confer, so please let us know what windows are available for you and your team. We do not believe discovery is necessary or appropriate under these circumstances, as FTI has access to any jurisdictional facts it could allege are needed. We hope to reach a resolution so as to not have FTI prematurely file a motion before meeting and conferring on the subject matter, but we also cannot agree to continue dates for many months, so please do come with a reasonable compromise.

Best,
Ashley

Ashley Kemper Corkery

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3 Embarcadero Center, 20th Floor
San Francisco, CA 94111-4004

(415) 693-2158 office

(831) 261-9277 mobile
acorkery@cooley.com

From: Jalian, Chris <chrisjalian@paulhastings.com>
Sent: Monday, August 12, 2024 11:00 PM
To: Corkery, Ashley K <acorkery@cooley.com>; Trevor, Reece <rtrevor@cooley.com>; Hemann, John H. <jhemann@cooley.com>; Lewis, Morgan E. <melewis@cooley.com>; Spitzen, Eva M <ESpitzen@cooley.com>
Cc: Baca, Elena R. <ElenaBaca@paulhastings.com>; Arabaci, Kristen T. <kristenarabaci@paulhastings.com>
Subject: Poer v. FTI - Motion to Dismiss and Motion for Preliminary Injunction

[External]

Counsel,

We write regarding Plaintiff's Motion for Preliminary Injunction, Defendants' Motion to Dismiss and their respective briefing schedules.

First, as you know, FTI filed a Motion to Dismiss Plaintiff's complaint for lack of personal jurisdiction and improper venue, or in the alternative, to transfer to the U.S. District Court for the District of Columbia. FTI noticed for hearing on October 10, 2024, which is the first hearing date our team is available. As we have previously discussed, courts around the country, including the Ninth Circuit and Northern District of California, are clear that a motion for preliminary injunction cannot be decided before a challenge to personal jurisdiction and venue. Accordingly, moving forward with the hearing preliminary injunction hearing on September 19 would be a waste of party and judicial resources to brief at this time.

Second, FTI's opposition to Plaintiff's Motion for Preliminary Injunction is due on August 22. This schedule does not allow FTI to conduct necessary discovery ahead of the scheduled hearing date, which FTI intends to do in the event the Court denies its motion to dismiss or transfer.

Third, as we have discussed at length in connection to the *Westerman* matter and prior to Mr. Westerman filing his Motion for Preliminary Injunction, our team has limited availability during the month of August due to pre-scheduled vacations. The briefing schedule on Plaintiff's Motion for Preliminary Injunction directly conflicts with our availability.

Given the foregoing, we would like to meet and confer to discuss an amended briefing schedule and a continuance of the hearing on Motion for Preliminary Injunction until after the Court rules on FTI's Motion to Dismiss. We further anticipate that Plaintiff will not stipulate to expedited discovery. Accordingly, we hope that we can work out an agreement on a briefing schedule on Defendants' Motion for Expedited Discovery, and avoid burdening the Court with an *ex parte* application in this matter.

Please let us know if you are available for a call this week. In the interim, would you please confirm that, while we meet and confer on possible briefing and hearing schedules, the parties are in agreement to push the current upcoming opposition deadlines on the motion to dismiss and motion for preliminary injunction by seven days each?

Thank you,

Chris

PAUL
HASTINGS

Chris A. Jalian | Partner
Paul Hastings LLP | 515 South Flower Street, Twenty-Fifth Floor, Los Angeles, CA 90071 |
Direct: +1.213.683.6143 | Main: +1.213.683.6000 | Fax: +1.213.996.3143 |
chrisjalian@paulhastings.com | www.paulhastings.com

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EXHIBIT B

Soliz, Rosemary M.

From: Jalian, Chris
Sent: Monday, August 19, 2024 8:09 PM
To: Corkery, Ashley K; Baca, Elena R.; Arabaci, Kristen T.
Cc: Trevor, Reece; Hemann, John H.; Lewis, Morgan E.; Spitzen, Eva M
Subject: RE: Poer v. FTI - Motion to Dismiss and Motion for Preliminary Injunction

Ashley, if expedited discovery is granted, we would seek discovery relating to:

- Poer's connections to California including travel records, calendars, credit card statements, cell phone records, voter registration, insurance, homestead registrations, etc.
- Poer's recruitment and employment with Secretariat, including his work location and/or "affiliation" with Secretariat's California office, and allegation that "Since starting my job with Secretariat earlier this year, I have continued to live in Nevada but have traveled to and spent time in California on repeatedly for work, as I did during the last few years of my tenure at FTI."
- Poer and Secretariat's communications relating to FTI's employment agreement and negotiation of Secretariat's employment agreement.
- Poer's work with California clients/companies and non-California clients/companies for Secretariat.
- Poer's alleged irreparable harm, including how his agreement with FTI "severely limits" his ability to work, maintain and grow his business.
- Poer's allegation that he has "been unable to fully resume work," including discovery relating to Poer's current work for Secretariat, hours worked, and compensation.
- Poer's communications with FTI's clients following his resignation.

Thank you,
Chris

From: Corkery, Ashley K <acorkery@cooley.com>
Sent: Monday, August 19, 2024 10:12 AM
To: Jalian, Chris <chrisjalian@paulhastings.com>; Baca, Elena R. <ElenaBaca@paulhastings.com>; Arabaci, Kristen T. <kristenarabaci@paulhastings.com>
Cc: Trevor, Reece <rtrevor@cooley.com>; Hemann, John H. <jhemann@cooley.com>; Lewis, Morgan E. <melewis@cooley.com>; Spitzen, Eva M <ESpitzen@cooley.com>
Subject: [EXT] RE: Poer v. FTI - Motion to Dismiss and Motion for Preliminary Injunction

--- External Email ---

Report Suspicious

Chris,

Today, would you please provide the list of jurisdictional facts that you believe is necessary and that you agreed to send on our call last week? In the meantime, we will review your proposed revisions below.

Best,
Ashley

Ashley Kemper Corkery

Cooley LLP
3 Embarcadero Center, 20th Floor
San Francisco, CA 94111-4004

(415) 693-2158 office
(831) 261-9277 mobile
acorkery@cooley.com

From: Jalian, Chris <chrisjalian@paulhastings.com>

Sent: Monday, August 19, 2024 9:30 AM

To: Corkery, Ashley K <acorkery@cooley.com>; Baca, Elena R. <ElenaBaca@paulhastings.com>; Arabaci, Kristen T. <kristenarabaci@paulhastings.com>

Cc: Trevor, Reece <rtrevor@cooley.com>; Hemann, John H. <jhemann@cooley.com>; Lewis, Morgan E. <melewis@cooley.com>; Spitzen, Eva M <ESpitzen@cooley.com>

Subject: RE: Poer v. FTI - Motion to Dismiss and Motion for Preliminary Injunction

[External]

Ashley,

Thank you for putting the stipulation together. FTI will need until 8/26 to file its motion for expedited discovery in *Poer*. FTI already has a motion for expedited discovery due in *Westerman* on Wednesday, and I have a medical procedure scheduled for Thursday (or else I would propose Friday). In addition, I propose that each party have 10 days to file their opposition in the event the discovery motion is denied. The remaining deadlines can remain in place.

Please let me know if you would like to discuss.

Thank you,
Chris

From: Corkery, Ashley K <acorkery@cooley.com>

Sent: Sunday, August 18, 2024 6:05 PM

To: Jalian, Chris <chrisjalian@paulhastings.com>; Baca, Elena R. <ElenaBaca@paulhastings.com>; Arabaci, Kristen T. <kristenarabaci@paulhastings.com>

Cc: Trevor, Reece <rtrevor@cooley.com>; Hemann, John H. <jhemann@cooley.com>; Lewis, Morgan E. <melewis@cooley.com>; Spitzen, Eva M <ESpitzen@cooley.com>

Subject: [EXT] RE: Poer v. FTI - Motion to Dismiss and Motion for Preliminary Injunction

Thank you, Chris.

Ashley Kemper Corkery

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(831) 261-9277 mobile
acorkery@cooley.com

From: Jalian, Chris <chrisjalian@paulhastings.com>

Sent: Sunday, August 18, 2024 10:31 AM

To: Corkery, Ashley K <acorkery@cooley.com>; Baca, Elena R. <ElenaBaca@paulhastings.com>; Arabaci, Kristen T. <kristenarabaci@paulhastings.com>

Cc: Trevor, Reece <rtrevor@cooley.com>; Hemann, John H. <jhemann@cooley.com>; Lewis, Morgan E. <melewis@cooley.com>; Spitzen, Eva M <ESpitzen@cooley.com>

Subject: RE: Poer v. FTI - Motion to Dismiss and Motion for Preliminary Injunction

[External]

Thanks, Ashley. I just got back. I will review and send our redline tomorrow morning.

From: Corkery, Ashley K <acorkery@cooley.com>

Sent: Friday, August 16, 2024 12:34 PM

To: Jalian, Chris <chrisjalian@paulhastings.com>; Baca, Elena R. <ElenaBaca@paulhastings.com>; Arabaci, Kristen T. <kristenarabaci@paulhastings.com>

Cc: Trevor, Reece <rtrevor@cooley.com>; Hemann, John H. <jhemann@cooley.com>; Lewis, Morgan E. <melewis@cooley.com>; Spitzen, Eva M <ESpitzen@cooley.com>

Subject: [EXT] RE: Poer v. FTI - Motion to Dismiss and Motion for Preliminary Injunction

Chris,

Thanks for the call yesterday afternoon. Attached is a proposed stipulation to memorialize our agreement to advance the schedule on FTI's motion to expedite discovery and, pending the timing of that ruling, set forth a coordinated schedule on the motion for preliminary injunction and motion to dismiss. As we discussed, this will conserve judicial resources and provide clarity on the contested discovery request first. Per our discussion, please do also send the list of categories of discovery you intend to seek.

We should be in a position to file the stipulation early next week when you are back from your trip and we have discussed hearing dates.

Best,
Ashley

Ashley Kemper Corkery

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3 Embarcadero Center, 20th Floor
San Francisco, CA 94111-4004

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From: Jalian, Chris <chrisjalian@paulhastings.com>

Sent: Thursday, August 15, 2024 9:24 PM

To: Corkery, Ashley K <acorkery@cooley.com>; Baca, Elena R. <ElenaBaca@paulhastings.com>; Arabaci, Kristen T. <kristenarabaci@paulhastings.com>

Cc: Trevor, Reece <rtrevor@cooley.com>; Hemann, John H. <jhemann@cooley.com>; Lewis, Morgan E. <melewis@cooley.com>; Spitzen, Eva M <ESpitzen@cooley.com>

Subject: RE: Poer v. FTI - Motion to Dismiss and Motion for Preliminary Injunction

[External]

Ashley,

Thanks for the calls yesterday and today. This confirms that, while we meet and confer on possible briefing and hearing schedules, the parties agreed to push the current upcoming opposition deadlines on the motion to dismiss and motion for preliminary injunction by seven days each.

Thank you,
Chris

From: Corkery, Ashley K <acorkery@cooley.com>

Sent: Tuesday, August 13, 2024 11:10 AM

To: Jalian, Chris <chrisjalian@paulhastings.com>; Baca, Elena R. <ElenaBaca@paulhastings.com>; Arabaci, Kristen T. <kristenarabaci@paulhastings.com>

Cc: Trevor, Reece <rtrevor@cooley.com>; Hemann, John H. <jhemann@cooley.com>; Lewis, Morgan E. <melewis@cooley.com>; Spitzen, Eva M <ESpitzen@cooley.com>

Subject: [EXT] RE: Poer v. FTI - Motion to Dismiss and Motion for Preliminary Injunction

Chris – We are available at 2:00 p.m. tomorrow. I will circulate an invite momentarily.

Ashley Kemper Corkery

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San Francisco, CA 94111-4004

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acorkery@cooley.com

From: Jalian, Chris <chrisjalian@paulhastings.com>

Sent: Tuesday, August 13, 2024 10:57 AM

To: Corkery, Ashley K <acorkery@cooley.com>; Baca, Elena R. <ElenaBaca@paulhastings.com>; Arabaci, Kristen T. <kristenarabaci@paulhastings.com>

Cc: Trevor, Reece <rtrevor@cooley.com>; Hemann, John H. <jhemann@cooley.com>; Lewis, Morgan E. <melewis@cooley.com>; Spitzen, Eva M <ESpitzen@cooley.com>

Subject: RE: Poer v. FTI - Motion to Dismiss and Motion for Preliminary Injunction

[External]

We are generally available after 1 pm tomorrow.

From: Corkery, Ashley K <acorkery@cooley.com>

Sent: Tuesday, August 13, 2024 9:16 AM

To: Jalian, Chris <chrisjalian@paulhastings.com>; Baca, Elena R. <ElenaBaca@paulhastings.com>; Arabaci, Kristen T. <kristenarabaci@paulhastings.com>

Cc: Trevor, Reece <rtrevor@cooley.com>; Hemann, John H. <jhemann@cooley.com>; Lewis, Morgan E. <melewis@cooley.com>; Spitzen, Eva M <ESpitzen@cooley.com>

Subject: [EXT] RE: Poer v. FTI - Motion to Dismiss and Motion for Preliminary Injunction

Chris,

We are available on tomorrow (Wednesday) afternoon to meet and confer, so please let us know what windows are available for you and your team. We do not believe discovery is necessary or appropriate under these circumstances, as FTI has access to any jurisdictional facts it could allege are needed. We hope to reach a resolution so as to not have FTI prematurely file a motion before meeting and conferring on the subject matter, but we also cannot agree to continue dates for many months, so please do come with a reasonable compromise.

Best,
Ashley

Ashley Kemper Corkery
Cooley LLP
3 Embarcadero Center, 20th Floor
San Francisco, CA 94111-4004

(415) 693-2158 office
(831) 261-9277 mobile
acorkery@cooley.com

From: Jalian, Chris <chrisjalian@paulhastings.com>
Sent: Monday, August 12, 2024 11:00 PM
To: Corkery, Ashley K <acorkery@cooley.com>; Trevor, Reece <rtrevor@cooley.com>; Hemann, John H. <jhemann@cooley.com>; Lewis, Morgan E. <melewis@cooley.com>; Spitzen, Eva M <ESpitzen@cooley.com>
Cc: Baca, Elena R. <ElenaBaca@paulhastings.com>; Arabaci, Kristen T. <kristenarabaci@paulhastings.com>
Subject: Poer v. FTI - Motion to Dismiss and Motion for Preliminary Injunction

[External]

Counsel,

We write regarding Plaintiff's Motion for Preliminary Injunction, Defendants' Motion to Dismiss and their respective briefing schedules.

First, as you know, FTI filed a Motion to Dismiss Plaintiff's complaint for lack of personal jurisdiction and improper venue, or in the alternative, to transfer to the U.S. District Court for the District of Columbia. FTI noticed for hearing on October 10, 2024, which is the first hearing date our team is available. As we have previously discussed, courts around the country, including the Ninth Circuit and Northern District of California, are clear that a motion for preliminary injunction cannot be decided before a challenge to personal jurisdiction and venue. Accordingly, moving forward with the hearing preliminary injunction hearing on September 19 would be a waste of party and judicial resources to brief at this time.

Second, FTI's opposition to Plaintiff's Motion for Preliminary Injunction is due on August 22. This schedule does not allow FTI to conduct necessary discovery ahead of the scheduled hearing date, which FTI intends to do in the event the Court denies its motion to dismiss or transfer.

Third, as we have discussed at length in connection to the *Westerman* matter and prior to Mr. Westerman filing his Motion for Preliminary Injunction, our team has limited availability during the month of August due to pre-scheduled vacations. The briefing schedule on Plaintiff's Motion for Preliminary Injunction directly conflicts with our availability.

Given the foregoing, we would like to meet and confer to discuss an amended briefing schedule and a continuance of the hearing on Motion for Preliminary Injunction until after the Court rules on FTI's Motion to Dismiss. We further anticipate that Plaintiff will not stipulate to expedited discovery. Accordingly, we hope that we can work out an agreement on a briefing schedule on Defendants' Motion for Expedited Discovery, and avoid burdening the Court with an *ex parte* application in this matter.

Please let us know if you are available for a call this week. In the interim, would you please confirm that, while we meet and confer on possible briefing and hearing schedules, the parties are in agreement to push the current upcoming opposition deadlines on the motion to dismiss and motion for preliminary injunction by seven days each?

Thank you,

Chris



Chris A. Jalian | Partner

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